

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Christopher Robert Politano,

Civil 08-238 PJS/FLN

Petitioner,

v.

O R D E R

Gary Miller, Wright county Sheriff,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 10, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus [#1] is DENIED;
 2. Petitioner's application for leave to proceed *in forma pauperis* [#2] is DENIED;
- and
3. This action is DISMISSED without prejudice.

DATED: March 31, 2008.

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge